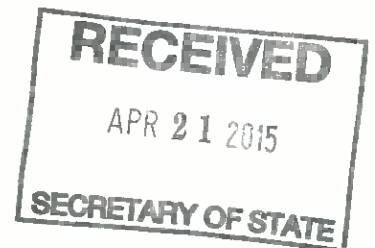


Ballot initiative sponsor page

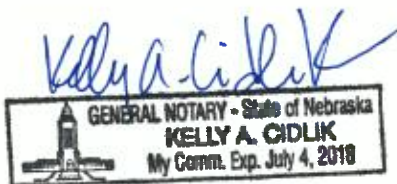
1. Jeremy Barnhill Sr. 950 N. chestnut #102 Wahoo Nebraska 68066 email jbarnhill46@gmail.com phone 402-443-6774
2. Monty Shultz 1511 E. 42nd Kearney Nebraska 68847 phone 308-627-6119
3. Kids have rights too--- Wahoo Nebraska find them on facebook along with their website
4. Ray R. Lautenschlager—Cleveland Ohio 440-281-5478
5. Monty Shultz Counseling & Neurofeedback Kearney Nebraska
6. Ohio Family Rights 440-281-5478



↓ ~~Jeremy B.~~ JEREMY BARNHILL AM
THE HEAD SPONSOR FOR THIS BALLOT
INITIATIVE.

4-21-2015

Jeremy Barnhill Sr.



Subscribed and sworn to before me by Jeremy Barnhill
on this 21st day of April 2015.

Objectives

1. Define best interest of the child and to maximize parental involvement in a manner that is truly in the best interest of children across the State of Nebraska.
2. Reduce the burden and better guide the Nebraska Judicial System in determining the best interest of the child and return the decision making to the families with specific guidelines.
3. Provide an updated evidentiary standard that brings the Nebraska law in line with current Supreme Court decisions and to fully protect the best interest of children and families without prejudice.

43-2923. Best interests of the child requirements.

The best interests of the child require:

(1) A parenting arrangement and parenting plan or other court-ordered arrangement which provides for a child's safety, emotional growth, health, stability, and physical care and regular and continuous school attendance and progress for school-age children. All plans shall provide for equal legal and physical custody unless the parents agree otherwise or the court finds through clear and convincing evidence that such a plan is not in the best interests of the child.

(2) When clear and convincing evidence indicates domestic intimate partner abuse, a parenting and visitation arrangement that provides for the safety of a victim parent;

(3) That the child's families and those serving in parenting roles remain appropriately active and involved in parenting with safe, appropriate, continuing maximized legal and physical custody between children and their families when they have shown the ability to act in the best interests of the child;

(4) When parents have voluntarily negotiated or mutually mediated and agreed upon a parenting plan, the court shall determine whether the plan meets the requirements of 43-2929 for development of a parenting plan which are necessary for the care and healthy development of the child. If the court rejects a parenting plan, the court shall provide a written finding of facts and conclusion of law as to why the parenting plan is not in the best interests of the child;

(5) Should the court determine that a parent is not capable of equal legal and physical custody, it shall set forth a plan by which the parent may remove the barriers. If the parent can prove by clear and convincing evidence that the determined barriers have been removed, they may request that the issue of their legal and physical custody be revisited ;

(6) That certain principles provide a basis upon which education of parents is delivered and upon which negotiation and mediation of parenting plans are conducted. Such principles shall include: To minimize the potentially negative impact of parental conflict on children; to provide parents the tools they need to reach parenting decisions that are in the best interests of a child; to provide alternative dispute resolution or specialized alternative dispute resolution options that are less adversarial for the child and the family; to ensure that the child's voice is heard and considered in parenting decisions; to maximize the safety of family members through the justice process; and, in cases of domestic intimate partner abuse or child abuse or neglect, to incorporate the principles of victim safety and sensitivity, offender accountability, and community safety in parenting plan decisions; and

(7) In determining custody and parenting arrangements, the court shall consider the best interests of the minor child, which shall include, but not be limited to, consideration of the foregoing factors and:

(a) The relationship of the minor child to each parent prior to the commencement of the action or any subsequent hearing taking into consideration the family roles and normal limitation to time that come with those roles;

(b) The mental and physical health of all persons involved in the situation should the mental or health of the parties be shown to adversely affect the safety of the child;

(c) The parent more likely to honor and facilitate parenting time rights or visitation and companionship rights should clear and convincing evidence show issues of previous failures to follow orders of the court. Whether one of the parents subject to a parenting order has continuously and willfully denied the other parent's right to parenting time in accordance with an order of the court, if issues are brought before the court for modification;

(d) The desires and wishes of the minor child, if of an age of comprehension but regardless of chronological age, when a minor child has expressed their desire to speak with the court through legal counsel or a guardian ad litem. Said interview shall take place through in camera interview process to avoid undue influence of parties involved;

(e) The general health, welfare, and social behavior of the minor child;

(f) Clear and convincing evidence of abuse inflicted on any family or household member. For purposes of this subdivision, abuse and family or household member shall have the meanings prescribed in section 42-903; and

(g) Clear and convincing evidence of child abuse or neglect or domestic intimate partner abuse. For purposes of this subdivision, the definitions in section 43-2922 shall be used.

(h) Whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of an adjudication; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to a violation or a sexually oriented offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to any offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the commission of the offense; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;

(i) Whether either parent has established a residence, or is planning to establish a residence, outside this state or outside of a non-contiguous county as well as the geographic proximity of the parents to each other if the proximity relates to the practical considerations of the parenting plan;

(j) The ability of each parent to encourage the sharing of love, affection, and contact between the child and the other parent and extended families members. Should a grandparent be denied contact with the minor children subject to a parenting plan, they may move for the court to grant them appropriate time unless clear and convincing evidence shows that such time is inappropriate. Said time shall come from the offending parent's allocated time;

(k) The recommendation of the guardian ad litem of the child, if the child has a guardian ad litem.

(l) Should a judge fail to follow the procedures set forth within this act, they shall lose their immunity and be subject to suit from the aggrieved party.

43-2929. Parenting plan; developed; approved by court; contents.

(1) In any proceeding in which parenting functions for a child are at issue under Chapter 42, a parenting plan shall be developed and shall be approved by the court. Court rule may order that a parenting plan be developed by the parties or their counsel, a court conciliation program, an approved mediation center, or a private mediator. Should a parenting plan not be developed and submitted to the court, the court shall create a parenting plan which maximizes both legal and physical custody of both parents in accordance with the Parenting Act. A parenting plan shall serve the best interests of the child pursuant to sections 42-364, 43-2923, and 43-2929.01 and shall:

(a) Assist in developing a restructured family that serves the best interests of the child by assuring that both parents remain active participants in all matters of the parenting functions; and

(b) Include, but not be limited to, determinations of the following:

(i) Legal custody and physical custody of each child;

(ii) Apportionment of parenting time including location of the child during the week, weekend, and given days of special meaning during the year, including, but not limited to, specified religious and secular holidays, birthdays, Mother's Day, Father's Day, school and family vacations, set out appropriate times and numbers for telephone access and other special occasions, specifying dates and times for the same should there be a need to enforce the schedule in subsequent proceedings by the court.

(v) Procedures for making decisions regarding the day-to-day care and control of the child consistent with the major decisions made by the person or persons who have legal custody and responsibility for parenting functions and procedures for mediating any dispute of major decisions;

(vi) Provisions for a remediation process regarding future modifications to such plan;

(viii) Provisions to ensure regular and continuous school attendance and progress for school-age children of the parties; and

(ix) Provisions for safety when clear and convincing evidence establishes child abuse or neglect, domestic intimate partner abuse, unresolved parental conflict, or criminal activity which is directly harmful to a child.

(2) A parenting plan shall require that the parties notify each other of a change of address thirty (30) days in advance of said change of address, except that the address or return address shall only include the county and state for a party who is living or moving to an undisclosed location because of proven safety concerns.

(3) When safe and appropriate for the best interests of the child, the parenting plan may encourage mutual discussion of major decisions regarding parenting functions including the child's education, health care, and spiritual or religious upbringing. However, when a clear and convincing factual determination of child abuse or neglect or domestic intimate partner abuse, or unresolved parental conflict has been made, then consideration shall be given to inclusion of provisions for safety and a transition plan that restrict communication or the amount and type of contact between the parties during transfers.

(4) Regardless of the custody determinations in the parenting plan, unless parental rights are terminated, both parents shall continue to have the rights stated in section 42-381.

(5) In the development of a parenting plan, consideration shall be given to the child's age, the child's developmental needs, and the child's perspective, as well as consideration of enhancing healthy relationships between the child and each party.

INITIATIVE PETITION

The object of this petition is to: (See reverse side for actual text of measure)

For Sec of State Use Only

1. Define best interest of the child and to maximize parental involvement in a manner that equally considers both parents and is truly in the best interest of children across the State of Nebraska.
2. Reduce the burden and better guide the Nebraska Judicial System in determining the best interest of the child while returning the decision making to the families with specific guidelines.
3. Provide an updated evidentiary standard that brings the Nebraska law in line with current Supreme Court decisions and to fully protect the best interest of children, families and society without prejudice from old standards.

To the Honorable John Gale, Secretary of State for the State of Nebraska:
We, the undersigned residents of the State of Nebraska and the county of _____, respectfully demand that the following proposed law shall be referred to the registered voters of the state for their approval or rejection at the general election to be held on the 8th day of November 2016, and each for himself or herself says: I have personally signed this petition on the date opposite my name; I am a registered voter of the State of Nebraska and county of _____ and am qualified to sign this petition or I will be so registered and qualified on or before the date on which this petition is required to be filed with the Secretary of State; and My printed name, date of birth, street and number or voting precinct, and city, village, or post office address are correctly written after my signature.

WARNING TO PETITION SIGNERS-- VIOLATION OF ANY OF THE FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL CHARGES: Any person who signs any name other than his or her own to any petition or who is not qualified to sign the petition shall be guilty of a Class I misdemeanor. Any person who falsely swears to a circulator’s affidavit on a petition, who accepts money or other things of value for signing a petition, or who offers money or other things of value in exchange for a signature upon any petition shall be guilty of a Class IV felony.

	Date	SIGNATURE	PRINTED NAME	Date of Birth	ADDRESS (Street name & number)	CITY OR VILLAGE	Zip Code
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STATE OF NEBRASKA)
) ss. _____, (name of circulator) being first duly sworn, deposes and says that he or she
COUNTY OF _____) name appears on the petition personally signed the petition in the presence of the affiant, that the date to the left of each signature is the correct date on which the signature was affixed to the petition and that the date was personally affixed by the person signing such petition, that the affiant believes that each signer has written his or her name, street and number or voting precinct, and city, village, or post office address correctly, that the affiant believes that each signer was qualified to sign the petition, and that the affiant stated to each signer the object of the petition as printed on the petition before he or she affixed his or her signature to the petition.

Circulator

Address

City,State,Zip

Subscribed and sworn to before me, a notary public, this _____ day of _____, 20__ at _____, Nebraska.

Proposed Statutory Language

(underscored language indicates added language, ~~strike through~~ indicates language being removed)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NEBRASKA,

Section 1. **43-2923. Best interests of the child requirements**, Reissue Revised Statutes of Nebraska is amended to read: Section 2 **43-2929 Parenting plan; developed; approved by court; contents** Reissue Revised Statutes of Nebraska is amended to read:

43-2923. Best interests of the child requirements.

The best interests of the child require:

(1) A parenting arrangement and parenting plan or other court-ordered arrangement which provides for a child's safety, emotional growth, health, stability, and physical care and regular and continuous school attendance and progress for school-age children. All parenting plans shall provide for equal legal and physical custody unless the parents agree otherwise or the court finds through clear and convincing evidence that such a plan is not in the best interests of the child;

(2) When ~~a preponderance of the~~ clear and convincing evidence indicates domestic intimate partner abuse, a parenting and visitation arrangement that provides for the safety of a victim parent;

(3) That the child's families and those serving in parenting roles remain appropriately active and involved in parenting with safe, appropriate, continuing quality maximized legal and physical custody contact between children and their families when they have shown the ability to act in the best interests of the child and have shared in the responsibilities of raising the child;

(4) That even when parents have voluntarily negotiated or mutually mediated and agreed upon a parenting plan, the court shall determine whether ~~it is in the best interests of the child for parents to maintain continued communications with each other and to make joint decisions in performing parenting functions as the plan meets the requirements of 43-2929 which are~~ necessary for the care and healthy development of the child. If the court rejects a parenting plan, the court shall provide a written ~~findings~~ finding of facts and conclusion of law as to why the parenting plan is not in the best interests of the child;

~~(5) Should the court determine that a parent is not capable of equal legal and physical custody as have been determined the factors with Part 7 of Section 43-2923., the court shall set forth a plan by which the parent may remove the issues as reported in the finding of facts set forth by the court. If the parent can prove by clear and convincing evidence that the determined terms of that plan have been met, the parent may request that the issue of their legal and physical custody be modified;~~

~~(5)~~ (6) That certain principles provide a basis upon which education of parents is delivered and upon which negotiation and mediation of parenting plans are conducted. Such principles shall include: To minimize the potentially negative impact of parental conflict on children; to provide parents the tools they need to reach parenting decisions that are in the best interests of a child; to provide alternative dispute resolution or specialized alternative dispute resolution options that are less adversarial for the child and the family; to ensure that the child's voice is heard and considered in parenting decisions; to maximize the safety of family members through the justice process; and, in cases of domestic intimate partner abuse or child abuse or neglect, to incorporate the principles of victim safety and sensitivity, offender accountability, and community safety in parenting plan decisions; and

~~(6)~~ (7) In determining custody and parenting arrangements, the court shall consider the best interests of the minor child, which shall include, but not be limited to, consideration of the foregoing factors and:

(a) The relationship of the minor child to each parent prior to the commencement of the action or any subsequent hearing taking into full consideration of the traditional family roles and any limitation to time that come with those roles;

(b) The mental and physical health of all persons involved in the situation;

(c) The parent more likely to honor and facilitate court-approved parenting time rights or visitation and companionship rights;

~~(b)~~ (d) The desires and wishes of the minor child, if of an age of comprehension but regardless of chronological age, when such desires and wishes are based on sound reasoning if the child have expressed their desire to speak with the court through legal counsel or a guardian ad litem. Said interview shall take place through in cameras interview process to avoid undue influence of parties involved;

~~(c)~~ (e) The general health, welfare, and social behavior of the minor child;

~~(d)~~ (f) Credible Clear and convincing evidence of abuse inflicted on any family or household member. For purposes of this subdivision, abuse and family or household member shall have the meanings prescribed in section 42-903; and

~~(e)~~ (g) Credible Clear and convincing evidence of child abuse or neglect or domestic intimate partner abuse. For purposes of this subdivision, the definitions in section 43-2922 shall be used.

(h) The mental and physical health of all persons involved in the situation;

(i) The parent more likely to honor and facilitate court-approved parenting time rights or visitation and companionship rights;

(g) Whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of an adjudication; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to a violation or a sexually oriented offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to any offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the commission of the offense; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;

(i) Whether the residential parent or one of the parents subject to a parenting order has continuously and willfully denied the other parent's right to parenting time in accordance with an order of the court;

(j) Whether either parent has established a residence, or is planning to establish a residence, outside this state.

(k) The ability of each parent to encourage the sharing of love, affection, and contact between the child and the other parent;

(l) The geographic proximity of the parents to each other, as the proximity relates to the practical considerations of shared parenting;

(m) The recommendation of the guardian ad litem of the child, if the child has a guardian ad litem.

(n) Should a grandparent be denied contact with the minor children subject to a parenting plan and apply for grandparent visitation rights under 43-1802, they may move for the court to grant them appropriate time unless clear and convincing evidence shows that such time is inappropriate. Allocated time for the grandparent shall come from the offending parent's allocated time;

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NEBRASKA,

Section 2 **43-2929 Parenting plan; developed; approved by court; contents** Reissue Revised Statutes of Nebraska is amended to read:

43-2929. Parenting plan; developed; approved by court; contents.

(1) In any proceeding in which parenting functions for a child are at issue under Chapter 42, a parenting plan shall be developed and shall be approved by the court. Court rule may provide for the parenting plan to be developed by the parties or their counsel, a court conciliation program, an approved mediation center, or a private mediator. When a parenting plan has not been developed and submitted to the court, the court shall create ~~the~~ a parenting plan which maximizes both legal and physical custody of both parents in accordance with the Parenting Act. A parenting plan shall serve the best interests of the child pursuant to sections 42-364, 43-2923, and 43-2929.01 and shall:

(a) Assist in developing a restructured family that serves the best interests of the child by ~~accomplishing~~ assuring that both parents remain active participants in all matters of the parenting functions; and

(b) Include, but not be limited to, determinations of the following:

(i) Legal custody and physical custody of each child;

(ii) Apportionment of parenting time, visitation, or other access for each child, including, but not limited to, specified religious and secular holidays, birthdays, Mother's Day, Father's Day, school and family vacations, and other special occasions, specifying dates and times for the same, or a formula or method for determining such a schedule in sufficient detail that, if necessary, the schedule can be enforced in subsequent proceedings by the court, and set out appropriate times and numbers for telephone access;

(iii) Location of the child during the week, weekend, and given days during the year;

(iv) A transition plan, including the time and places for transfer of the child, method of communication or amount and type of contact between the parties during transfers, and duties related to transportation of the child during transfers;

(v) Procedures for making decisions regarding the day-to-day care and control of the child consistent with the major decisions made by the person or persons who have legal custody and responsibility for parenting functions and procedures for mediating any dispute of major decisions;

(vi) Provisions for a remediation process regarding future modifications to such plan;

(vii) Arrangements to maximize the safety of all parties and the child;

(viii) Provisions to ensure regular and continuous school attendance and progress for school-age children of the parties; and

(ix) Provisions for safety when ~~a preponderance of the~~ clear and convincing evidence establishes child abuse or neglect, domestic intimate partner abuse, unresolved parental conflict, or criminal activity which is directly harmful to a child.

(2) A parenting plan shall require that the parties notify each other of a change of address thirty (30) days in advance of said change of address in writing, except that the address or return address shall only include the county and state for a party who is living or moving to an undisclosed location because of safety concerns.

(3) When safe and appropriate for the best interests of the child, the parenting plan may encourage mutual discussion of major decisions regarding parenting functions including the child's education, health care, and spiritual or religious upbringing. However, when a ~~prior~~ clear and convincing factual determination of child abuse or neglect, domestic intimate partner abuse, or unresolved parental conflict has been made, then consideration shall be given to inclusion of provisions for safety and a transition plan that restrict communication or the amount and type of contact between the parties during transfers.

(4) Regardless of the custody determinations in the parenting plan, unless parental rights are terminated, both parents shall continue to have the rights stated in section 42-381.

(5) In the development of a parenting plan, consideration shall be given to the child's age, the child's developmental needs, and the child's perspective, as well as consideration of enhancing healthy relationships between the child and each party.

Proposed language shall take full effect on December 15, 2016 after the certification of the vote.